



GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS FOR COMMISSION QUESTIONNAIRES

CERTAIN FROZEN WARMWATER SHRIMP AND PRAWNS FROM INDIA AND THAILAND

Investigations Nos. 751-TA-28-29

Further information.--If you have any questions concerning the enclosed questionnaire(s) or other matters related to these investigations, you may contact the following members of the Commission's staff (Fax 202-205-3205):

***Jim McClure, investigator (202-205-3191; james.mcclure@USITC.GOV)
regarding general questions and trade and related information;***

***Chand Mehta, auditor (202-205-3174; chand.mehta@USITC.GOV)
or***

***John Ascienzo, auditor (202-205-3175; john.ascienzo@USITC.GOV)
regarding financial information; and***

***John Benedetto, economist (202-205-3270; john.benedetto@USITC.GOV)
regarding pricing, market, and related information.***

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS

GENERAL INFORMATION

Background.—On December 17, 2004, the Department of Commerce (Commerce) determined that imports of certain frozen warmwater shrimp and prawns from India and Thailand are being sold in the United States at less than fair value (LTFV); and on January 6, 2005 the Commission determined that an industry in the United States was materially injured by reason of imports of such LTFV merchandise. Accordingly, Commerce ordered that antidumping duties be imposed on such imports on February 1, 2005.

On January 6, 2005, when the Commission conducted its vote in these investigations, it stated that it was concerned about the possible impact of the December 26, 2004, tsunami on the shrimp industries of India and Thailand. The tsunami occurred prior to the closing of the record in these investigations on December 27, 2004. At the time the record closed, however, factual information as to any impact of the tsunami on the ability of producers in India or Thailand to produce and export shrimp was not available. On February 8, 2005, the Commission published a *Federal Register* notice inviting comments from the public on whether changed circumstances exist sufficient to warrant the institution of changed circumstances reviews of the Commission's affirmative determinations concerning certain frozen warmwater shrimp and prawns from India and Thailand.

On April 25, 2005, after reviewing the comments it received in response to that request, the Commission determined that it had received information which showed changed circumstances sufficient to warrant instituting review investigations and that there was good cause for instituting such review investigations within two years after publication of the orders. The purpose of the investigations is to determine whether revocation of the antidumping duty orders on certain frozen warmwater shrimp and prawns from India and Thailand is likely to lead to continuation or recurrence of material injury to an industry in the United States.

Additional questionnaires will be supplied promptly upon request, or photocopies of the enclosed questionnaire(s) may be used. Address all correspondence to the United States International Trade Commission, Washington, DC 20436. Hearing-impaired individuals can obtain information regarding these investigations via the Commission's TDD terminal (202-205-1810).

Due date of questionnaire(s).—Return the completed questionnaire(s) to the United States International Trade Commission by no later than **August 4, 2005**. Although the enclosed postpaid envelope may be used to return the completed questionnaire, use of an overnight mail service may be necessary to ensure that your response actually reaches the Commission by **August 4, 2005**. If you do not use the enclosed envelope, please make sure the completed questionnaire is sent to the attention of **Jim McClure**. **Return only one copy of the completed questionnaire(s), but please keep a copy for your records so that you can refer to it if the Commission staff contacts you with any questions during the course of the investigation.**

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

GENERAL INFORMATION--Continued

Service of questionnaire response(s).--In the event that your firm is a party to these investigations, you are required to serve a copy of the questionnaire(s), once completed, on parties to the proceeding that are subject to administrative protective order (see 19 CFR § 207.7). A list of such parties is maintained by the Commission's Secretary and may be obtained by calling 202-205-1803. A certificate of service must accompany the copy of the completed questionnaire(s) you submit (see 19 CFR § 207.7).

Confidentiality.--The commercial and financial data furnished in response to the enclosed questionnaire(s) that reveal the individual operations of your firm will be treated as confidential by the Commission to the extent that such data are not otherwise available to the public and will not be disclosed except as may be required by law (see 19 U.S.C. § 1677f). Such confidential information will not be published in a manner that will reveal the individual operations of your firm; however, nonnumerical characterizations of numerical business proprietary information (such as discussion of trends) will be treated as confidential business information only at the request of the submitter for good cause shown.

Verification.--The information submitted in the enclosed questionnaire(s) is subject to audit and verification by the Commission. To facilitate possible verification of data, please keep all your workpapers and supporting documents used in the preparation of the questionnaire response(s).

Release of information.--The information provided by your firm in response to the questionnaire(s), as well as any other business proprietary information submitted by your firm to the Commission in connection with the investigation, may become subject to, and released under, the administrative protective order provisions of the Tariff Act of 1930 (19 U.S.C. § 1677f) and section 207.7 of the Commission's Rules of Practice and Procedure (19 CFR § 207.7). This means that certain lawyers and other authorized individuals may temporarily be given access to the information for use in connection with these investigations or other import-injury investigations conducted by the Commission on the same or similar merchandise; those individuals would be subject to severe penalties if the information were divulged to unauthorized individuals.

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

INSTRUCTIONS

Answer all questions.--Do not leave any question or section blank unless a questionnaire expressly directs you to skip over certain questions or sections. If the answer to any question is “none,” write “none.” **If information is not readily available from your records in exactly the form requested, furnish carefully prepared estimates--designated as such by the letter “E”--and explain the basis of your estimates.** Answers to questions and any necessary comments or explanations should be supplied in the space provided or on separate sheets attached to the appropriate page of the questionnaire(s). If your firm is completing more than one questionnaire in connection with these investigations (i.e., a producer, importer, and/or purchaser questionnaire), you need not respond to duplicated questions in the questionnaires.

Consolidate all U.S. establishments.--Report the requested data for your establishment(s) located in the United States. **Firms operating more than one establishment should combine the data for all establishments into a single report.**

DEFINITIONS

Certain frozen warmwater shrimp and prawns.--The product herein is certain frozen warmwater shrimp and prawns, wild-caught (ocean harvested) or farm-raised (produced by aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off, deveined or not deveined, cooked or raw, or otherwise processed in frozen form, the foregoing as covered by statistical reporting numbers 0306.13.0003, 0306.13.0006, 0306.13.0009, 0306.13.0012, 0306.13.0015, 0306.13.0018, 0306.13.0021, 0306.13.0024, 0306.13.0027, 0306.13.0040, 1605.20.1010, and 1605.20.1030 of the Harmonized Tariff Schedule of the United States (HTS). Subject products may be packed in airtight containers or otherwise packaged for shipment.

Excluded from this definition are fresh shrimp and prawns, whether shelled-on or peeled; coldwater shrimp and prawns, in any state of processing; shrimp and prawns in prepared meals; food preparations that are not “prepared meals” which contain no more than 20 percent by weight of shrimp or prawns; breaded shrimp and prawns; dried shrimp and prawns; and **canned** shrimp.

The following definition applies **only to the Fishermen’s Questionnaire**:

Warmwater shrimp and prawns (harvested).--The product herein is fresh shrimp and prawns generally classified in, but not limited to, the Penaeidae family (e.g., Brown shrimp (*Penaeus aztecus*), White shrimp (*Penaeus setiferus*), and Pink shrimp (*Penaeus duorarum*)). **Quantities reported should be headless, shell on, using the National Marine Fisheries conversion factor of 0.629, and should be net of returns.**

Firm--An individual proprietorship, partnership, joint venture, association, corporation (including any subsidiary corporation), business trust, cooperative, trustee in bankruptcy, or receiver under decree of any court.

Related firm--A firm that your firm solely or jointly owned, managed, or otherwise controlled; a firm that solely or jointly owned, managed, or otherwise controlled your firm; and/or a firm that was solely or jointly owned, managed, or otherwise controlled by a firm that also solely or jointly owned, managed, or otherwise controlled your firm.

Establishment--Each facility of a firm in the United States involved in the production, importation, and/or purchase of certain frozen warmwater shrimp and prawns (as defined above), including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

United States--For purposes of these investigations, the 50 States, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia.

Importer--Any person or firm engaged, either directly or through a parent company or subsidiary, in importing certain frozen warmwater shrimp and prawns (as defined above) into the United States from a foreign manufacturer or through its selling agent.

Imports--Those products identified for Customs purposes as imports for consumption for which your firm was the importer of record (i.e., was responsible for paying any import duty) or consignee (i.e., to which the merchandise was first delivered).

Import quantities--Quantities reported should be on an “as sold” basis and should be net of returns.

Import values--Values reported should be landed, duty-paid values at the U.S. port of entry, including ocean freight and insurance costs, brokerage charges, and import duties (i.e., all charges except inland freight in the United States).

Purchaser--Any person or firm engaged, either directly or through a parent company or subsidiary, in purchasing certain frozen warmwater shrimp and prawns (as defined above) from another firm that produces, imports, or otherwise distributes certain frozen warmwater shrimp and prawns.

Purchases--Purchases from all sources, NOT including direct imports from foreign producers (which should be reported in an importer questionnaire).

Purchase quantities--Quantities reported should be on an “as sold” basis and should be net of returns.

Purchase values.--Values reported should be net values (i.e., gross purchase values less all discounts, allowances, rebates, and the value of returned goods), delivered to your U.S. receiving point.

Shipments.--Shipments of products produced in or imported by your U.S. establishment(s). Include shipments to the contracting firm of product produced by your firm under a toll agreement.

Shipment quantities.---Quantities reported should be on an “as sold” basis and should be net of returns.

Shipment values.--Values reported should be net values (i.e., gross sales values less all discounts, allowances, rebates, prepaid freight, and the value of returned goods), f.o.b. your U.S. point of shipment. The value of domestic shipments to the contracting firm under a toll agreement is the conversion fee (including profit).

Types of shipments:

U.S. shipments.--Commercial shipments, internal consumption, and transfers to related firms within the United States.

Commercial shipments.--Shipments, other than internal consumption and transfers to related firms, within the United States.

Internal consumption.--Product consumed internally by your firm.

Transfers to related firms.--Shipments made to related domestic firms.

Export shipments.--Shipments to destinations outside the United States, including shipments to related firms.

Inventories.--Finished goods inventory, not raw materials or work-in-progress.

The following definitions apply only to the PROCESSOR QUESTIONNAIRE.

Average production capacity.--The level of production that your establishment(s) could reasonably have expected to attain during the specified periods. Assume normal operating conditions (i.e., using equipment and machinery in place and ready to operate; normal operating levels (hours per week/weeks per year) and time for downtime, maintenance, repair, and cleanup; and a typical or representative product mix.

Toll agreement.--Agreement between two firms whereby the first firm furnishes the raw materials and the second firm uses the raw materials to produce a product that it then returns to the first firm with a charge for processing costs, overhead, etc.

Production.--All production in your U.S. establishment(s), including production consumed internally within your firm and production for another firm under a toll agreement.

PRWs.--Production and related workers, including working supervisors and all nonsupervisory workers (including group leaders and trainees) engaged in fabricating, processing, assembling, inspecting, receiving, storage, handling, packing, warehousing, shipping, trucking, hauling, maintenance, repair, janitorial and guard services, product development, auxiliary production for plant's own use (e.g., power plant), recordkeeping, and other services closely associated with the above production operations.

Average number employed.--Add the number of employees, both full-time and part-time, for the 12 pay periods ending closest to the 15th of the month and divide that total by 12. For the January-June, calculate similarly and divide by 6.

Hours worked.--Include time paid for sick leave, holidays, and vacation time. Include overtime hours actually worked; do not convert overtime pay to its equivalent in straight-time hours.

Wages paid.--Total wages paid before deductions of any kind (e.g., withholding taxes, old-age and unemployment insurance, group insurance, union dues, bonds, etc.). Include wages paid directly by your firm for overtime, holidays, vacations, and sick leave.

Fiscal year.--The 12-month period between settlement of your firm's financial accounts.

Purchases other than direct imports.--Purchases from U.S. producers, U.S. importers, and other U.S. sources.